

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

ANDRAE L. DOTSON,

Plaintiff,

v.

MATTHEW KALTENBRUN, AARON  
FRANTAL, LUIS VARGAS-RAMOS,  
RICHARD KLARKOWSKI, and  
MATT THOMPSON,

Defendants.

Case No. 18-CV-182-JPS

**ORDER**

The Court dismissed this action for want of prosecution in December 2018. (Docket #32). It did so because it lacked a valid address for Plaintiff and had not heard from him in some time. (Docket #32 and #33). In February 2019, Plaintiff filed a notice that his address had changed. (Docket #34). The Clerk of the Court updated Plaintiff's address and sent him new copies of the Court's dismissal order and judgment.

Now, in late May 2019, Plaintiff has filed a motion to vacate the Court's dismissal. (Docket #36). He asks for relief from the judgment of dismissal pursuant to Federal Rule of Civil Procedure 60(b), which permits the Court to vacate judgments for various reasons. But Rule 60(b) relief "is an extraordinary remedy and is granted only in exceptional circumstances." *Harrington v. City of Chicago*, 443 F.3d 542, 546 (7th Cir. 2006).

The Court finds that Plaintiff has not offered extraordinary reasons to vacate the dismissal of this action. He says that he did not receive the Court's dismissal in December 2018, but the Court re-sent it in February

2019. Why did he not write to the Court at that time? Instead, Plaintiff waited more than three months to file the instant motion. The Court's dismissal has been in force for five months. Plaintiff was far too slow to request that this action be re-opened.

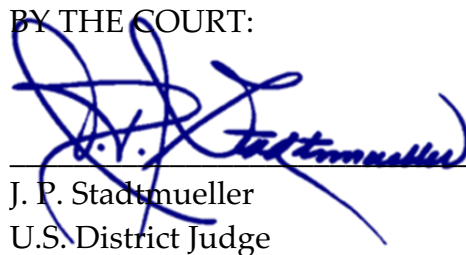
Indeed, in light of these events, it appears that the Court's dismissal for want of prosecution was appropriate. Plaintiff is not diligently pursuing this litigation. The Court will, therefore, deny Plaintiff's motion for relief from the judgment. Because the Court's earlier dismissal was without prejudice, Plaintiff is free to file a new action if he feels it is appropriate.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for relief from judgment (Docket #36) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 28th day of May, 2019.

BY THE COURT:



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J. P. Stadtmueller  
U.S. District Judge